

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

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| International filing date (day/month/year) 14 September 2000 (14.09.00) | Priority date (day/month/year) 14 September 1999 (14.09.99) |
| Applicant ACHANTA, Anand et al | |

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
 02 March 2001 (02.03.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

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|---|---|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35 | Authorized officer H. Zhou Telephone No.: (41-22) 338.83.38 |
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Published:
— with international search report

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(88) Date of publication of the international search report:
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For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: PROCESS FOR MAKING AQUEOUS COATED BEADLETS

(57) Abstract: The present invention is directed to application of novel process conditions for aqueous coating techniques of water soluble active agents, and its application to production of sustained release beadlets of said agents. The improvement lies in the determination and use of the glass transition point for the water swellable polymer used to produce the sustained release effect, and control of the moisture content of the air by dew point.

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INTERNATIONAL SEARCH REPORT

International application No.

PCT/US00/25279

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) :A61K 9/14, 9/16, 9/20, 9/22, 9/26.

US CL :424/464, 465, 468, 469, 470, 489, 490, 497.

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 424/464, 465, 468, 469, 470, 489, 490, 497.

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
west

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category* | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|-----------|--|-----------------------|
| X | US 5,780,055 A (HABIB et al.) 14 July 1998; see column 15, lines 31-63, column 26, lines 20-62, column 27, lines 57-67, column 31, lines 20-54, column 32, lines 10-54, column 67, lines 1-35. | 1-4 |
| Y | US 5,500,227 A (OSHLACK et al.) 19 March 1996; see column 2, lines 55 through column 3, lines 1-12, column 5, lines 65 through column 6, lines 1-40, column 8, lines 53-63, column 14, lines 7-39. | 1-4 |

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Further documents are listed in the continuation of Box C.

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See patent family annex.

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|-----|---|-----|--|
| " | Special categories of cited documents: | "T" | later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention |
| "A" | document defining the general state of the art which is not considered to be of particular relevance | "X" | document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone |
| "E" | earlier document published on or after the international filing date | "Y" | document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art |
| "L" | document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) | "Z" | document member of the same patent family |
| "O" | document referring to an oral disclosure, use, exhibition or other means | | |
| "P" | document published prior to the international filing date but later than the priority date claimed | | |

Date of the actual completion of the international search

20 FEBRUARY 2001

Date of mailing of the international search report

23 MAR 2001

Name and mailing address of the ISA/US
Commissioner of Patents and Trademarks
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INTERNATIONAL SEARCH REPORT

International application No.
PCT/US00/25279

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This international report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:

3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

Please See Extra Sheet.

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

1-4

Remark on Protest

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The additional search fees were accompanied by the applicant's protest.
No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US00/25279

BOX II. OBSERVATIONS WHERE UNITY OF INVENTION WAS LACKING

This ISA found multiple inventions as follows:

This application contains the following inventions or groups of inventions which are not so linked as to form a single inventive concept under PCT Rule 13.1. In order for all inventions to be searched, the appropriate additional search fees must be paid.

Group I, claim(s) 1-4, drawn to product comprising phenylpropanolamine coated with pseudolatex polymer.

Group II, claim(s) 11-13, drawn to beadlets of chlorpheniramine coated with pseudolatex polymer.

Group III, claim(s) 24-27, drawn to aqueous coating process.

Group IV, claim(s) 41-44, drawn to pseudoephedrin beadlets coating with pseudolatex polymer.

Group V, claim(s) 62-65, drawn to dextromethorphan beadlets coating with pseudolatex polymer.

Group VI, claim(s) 84-92, drawn to dextromethorphan in capsule form.

The inventions listed as Groups I-VI do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

They do not share the same essential features that define the "special technical feature" necessary to specify a contribution over the prior art. The technical feature common to all the groups is coated beadlets which is known in the art and, therefore, cannot be said to be the special technical feature which makes a contribution over the prior art. All other substituents differ from each other, in example, dextromethorphan in capsule form and phenylpropanolamine in coated beadlets, each of which are known in the prior art. Thus, these claims lack the corresponding special technical feature(s) necessary to link them together to fulfill the Unity of Invention requirement.

Applicant is advised that the reply to this requirement to be completed must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).